

Applicant or Patentee: <b>University of Notre Dame</b>		Docket #: <b>UNND-0031-4</b>
Serial or Patent Number: <b>To be assigned</b>		Examiner:
Filed or Issued: <b>Concurrently herewith</b>		Art Unit:
For: <b>Method for Detecting Phosphatidylserine on the Surface of Cells</b>		

**VERIFIED STATEMENT (DECLARATION) BY A UNIVERSITY  
CLAIMING SMALL ENTITY STATUS UNDER 37 C.F.R. § 1.27**

I hereby declare that I am

- ☐ the owner of the small business concern identified below:  
☒ an official of the University empowered to act on behalf of the concern identified below:

Name of Concern: **University of Notre Dame**

Address: **Office of the Vice President and General Counsel, 203 Main Building, Notre Dame, Indiana 46556**

I hereby declare that the above-identified University qualifies as a nonprofit organization as defined in 37 CFR 1.27, for purposes of paying reduced fees under section 41(h) of Title 35, United States Code.

I hereby declare that rights under contract or law have been conveyed to and remain with the University identified above with regard to the matter described in:

- ☐ The specification filed herewith, with the title as listed above.  
☒ The patent application identified above.  
☐ The PCT International patent application identified above.  
☐ The patent number identified above.


If the rights held by the above identified University are not exclusive, each individual, concern or organization having rights to the invention must file separate verified statements averring to their status as small entities, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.27 if that person made the invention, or by any concern who would not qualify as a small business concern under 37 CFR 1.27, or a nonprofit organization under 37 CFR 1.27. Each person or organization having any rights in the invention is listed below:

- ☒ No such person, concern or organization.  
☐ Each such person, concern or organization as listed below:

FULL NAME	<input type="checkbox"/> Individual <input type="checkbox"/> Small Business Concern <input type="checkbox"/> Nonprofit Organization
ADDRESS	

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine, or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which the verified statement is directed.

NAME AND TITLE	DATE
Carol C. Kaesebier, Vice President and General Counsel	September 8, 2003
ADDRESS	SIGNATURE
University of Notre Dame Office of the Vice President and General Counsel 203 Main Building Notre Dame, Indiana 46556	

## DECLARATION FOR PATENT APPLICATION AND APPOINTMENT OF ATTORNEY

As a below-named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name. I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention (Design, if applicable) entitled: **Method for Detecting Phosphatidyl Serine on the Surface of Cells**

the specification of which (check one):

- ☒ is attached hereto.  
☐ was filed on \_\_\_\_\_ as Application Serial No. \_\_\_\_\_ and was amended on \_\_\_\_\_ (if applicable).  
☐ was filed on \_\_\_\_\_ as International Application (PCT) No. \_\_\_\_\_ and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above. I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a). I hereby claim foreign priority benefits under Title 35, United States Code § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which the priority is claimed.

## PRIOR FOREIGN APPLICATION(S)

NUMBER	COUNTRY	DAY/MONTH/YEAR FILED	PRIORITY CLAIMED
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) or PCT international application(s) designating The United States of America listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application:

APPLICATION NUMBER	FILING DATE	STATUS (Patented, Pending or Abandoned)
60/416,233	October 7, 2002	Pending


I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine, or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**POWER OF ATTORNEY:** I (We) hereby appoint as my (our) attorneys, with full powers of substitution and revocation, to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: **Ajay A. Jagtiani**, Registration Number 35,205 and **Mark J. Outtag**, Registration Number 33,057.

Send correspondence to: **JAGTIANI + GUTTAC**  
 10363-A Democracy Lane  
 Fairfax, Virginia 22030

Telephone calls to: **Ajay A. Jagtiani**  
 (703) 591-2664

☐ See following pages for additional joint inventors.

Full Name of First or Sole Inventor <b>Smith, Bradley</b>		Citizenship <b>Australian</b>	
Residence Address - Street <b>15450 Hunting Ridge Trail</b>		Post Office Address Street <b>see residential</b>	
City <b>Granger</b>		City	
State or Country <b>IN, USA</b>	Zip <b>46530</b>	State or Country	Zip
DATE <b>Aug 30, 2003</b>		SIGNATURE 	

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No. : TO BE ASSIGNED  
Applicant : SMITH, BRADLEY D.  
Filed : CONCURRENTLY HERewith  
Title : METHOD FOR DETECTING PHOSPHATIDYLSERINE ON THE  
SURFACE OF CELLS

Art Unit : TO BE ASSIGNED  
Examiner : TO BE ASSIGNED

Atty Docket No. : UNND-0031-4

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**ASSOCIATE POWER OF ATTORNEY**

Sir:

I hereby appoint Mark J. Guttag, Registration Number 33,057, Steven J. Prewitt, Registration Number 45,023, and Karlana D. Schwing, Registration Number 52,521 as my associate attorneys in the above-captioned application, with full power of substitution and revocation, to prosecute this application, to make alterations and amendments therein, to receive the patent and to transact all business in the Patent Office connected therewith.

However, please continue to address all future communications to the undersigned attorney at the following:

Ajay A. Jagtiani  
**JAGTIANI + GUTTAG**  
10363-A Democracy Lane  
Fairfax, Virginia 22030

Respectfully submitted,



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September 8, 2003